

REMARKS

Applicants have amended 1. Support for the amendments can be found, *e.g.*, in the originally-filed specification at ¶¶ [0071] – [0075]. Claims 1-10 are presented for further examination.

Status of Drawings and Claim of Foreign Priority

In the Office Action Summary, Applicants note that the Examiner did not indicate the whether or not the drawings are accepted. Applicants request that the Examiner kindly indicate the same in the next communication.

Applicants also note that the Office Action Summary does not indicate whether the claim for foreign priority under 35 U.S.C. § 119, which is set forth in the Oath and Declaration, has been acknowledged. Applicants request that the Examiner kindly indicate the same in the next communication.

Claim Rejections

The Office action rejected claims 1-4 and 7 under 35 U.S.C. § 102(b) as anticipated by DE19854760 (Kummer et al.). The Office action asserts that the Kummer et al. reference discloses a spraying system including a broad application nozzle that covers large areas reaching nearly to the edges and an edge application nozzle covering small areas. The spraying process disclosed in the Kummer et al. reference first employs a wide fan nozzle for area application. Edge finishing is performed after area application.

Claim 1 has been amended to recite that the “sprayer mechanism sprays said liquid material such that said liquid material is distributed locally at a position close to an edge of said object, and *simultaneously* distributed widely at a position away from said edge of said object.” In contrast, the Kummer et al. reference discloses that the broad and edge nozzles operate one at a time. (Kummer et al., Abstract) As a result, the Kummer et al. reference does not achieve the improved efficiency described in the instant application. (*See, e.g.*, Application ¶ [0074])

Because the cited art does not disclose each and every feature of claim 1, Applicants respectfully submit that the rejection should be withdrawn.

Claims 2-4 and 7 recite additional features and are independently patentable.

The Office action rejected claims 5-6 and 8 as unpatentable over the Kummer et al. reference in view of U.S. Patent No. 4,578,290 (Komon et al.). As each of these claims depend from claim 1 and recite additional features, Applicants submit that they are independently patentable. For example, with respect to claim 8, the Office action argues that “the use of the middle sprayer [item 3] of Komon et al. to provide an intermediate distribution of liquid between the first and second sprayers would require an intermediate pressure as presently claimed.” (Office action, p. 5) The Office action is apparently arguing that this feature is inherent in the Komon et al. patent.

“The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic.” MPEP § 2112 (*quoting In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993)). “In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic **necessarily** flows from the teachings of the applied prior art.” *Id.* (*quoting Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)) (emphasis in original). Since the Komon et al. patent is silent about using different pressures, and instead appears to achieve different spray distributions with the angle and distance of the individual spray guns, Applicants respectfully submit that the Office action has not set forth any basis in fact and/or technical reasoning to reasonably support the determination that the Komon et al. patent *necessarily* uses an “intermediate pressure” for the middle sprayer. For these reasons as well, Applicants respectfully submit that claim 8 is patentable over the cited art.

The Office action rejected claim 9 as unpatentable over the Kummer et al. reference in view of Komon et al. patent and U.S. Patent No. 5,645,895 (Murumaya et al.). The Office action

rejected claim 10 as unpatentable over the Kummer et al. reference in view of U.S. Patent No. 5,698,330 (Bederke et al.). The Murumaya et al. and Berderke et al. references do not disclose the features missing from the other references. As these claims depend from claim 1 and recite additional features, Applicants respectfully submit that they are independently patentable.

Applicants respectfully submit that claims 1-10 are in condition for allowance.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.


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Respectfully submitted,

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